

Street Journal from a few weeks back. It was written by David Rivkin and Lee Casey, and it says this:

The Constitution vests Congress with formidable authority to affect how the President fights wars. Congress has the power to declare war, formally rupturing international legal relations between the U.S. and a belligerent enemy nation, and to prescribe rules governing military discipline and regulating the capture of military property. If it determines to withhold funding for an ongoing conflict, it can compel the President to withdraw U.S. forces. What Congress cannot do, however, is direct how a President prosecutes a particular war, including decisions about how many of the available forces to introduce into a theatre of conflict.

Would someone on the other side of the aisle please step forward and remind me that there is logic and common sense and that liberal interest groups have not taken over our colleagues on the Democratic side. These actions are stunningly transparent, designed to embarrass the President and to woo liberal interest groups. Let us not go down that road. Our troops and their families and the American people deserve better.

There are a number of Members of the Senate who have served their country and who are veterans. I have the highest respect for the distinguished Presiding Officer, who is among those who have seen combat and understands what it entails and the chain of command. I can't imagine any Member of the Senate who has been involved in combat who would condone having politicians here in Washington, DC, Members of the Senate, no matter how well intended, directing and managing military conflict and getting in the way of our commanders and our troops and their ability to conduct and perform their mission and to do their job.

I think it terribly unfortunate what has happened here in the Senate. I do believe it has trivialized what should be a very serious debate. I have maintained all along that this is a debate we ought to have because this is the dominant issue of our time about which people across this country have incredibly strong feelings. Irrespective of how we got there and what one thinks about that, it is important now that we evaluate seriously, that we examine, and that we analyze how best to proceed and move forward.

There is a plan. It is being implemented. I want to see it succeed. I hope and pray, for the sake of our troops in the theater, that it does succeed. What we cannot afford to have happen in this Congress is to go down this path where one side is trying to one-up the other side and frame the debate, to define the terms of the debate in a way that is politically advantageous to them. That is wrong.

That is why I am here today, to say we ought to have a debate. It ought to be a full, fair, and open debate, in keeping with the tradition and the history of the Senate and in keeping with the commitment we have made to the men and women we have put in harm's way

and who wear the uniform of the United States of America. They deserve to have our support not only of them but of the mission they are undertaking. They need to know that we believe they can succeed, that we believe they can win, that we believe they can achieve victory. If we fail in that important mission, future generations are going to pay a dear price. The global war on terror is not going away. It is important that here in the Senate we dignify the great service of those great Americans by having a dignified debate that is full, that is fair, that is open, and that is not intent on micro-managing and directing the affairs of our military leadership and telling our commanders what they can and cannot do when it comes to winning this very important war.

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WEBB). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CARL ARTMAN

Mr. DORGAN. Mr. President, as of this month, it has been 2 full years that the position of Assistant Secretary for Indian Affairs at the Department of the Interior has been vacant—2 full years. There has been a Federal position specifically assigned for the responsibilities for Indian affairs since the year 1806.

In the year 1849, that position was transferred from the Defense Department—or then the Department of War—to the Interior Department. The Assistant Secretary for Indian Affairs and the Department of the Interior is responsible for managing the BIA, the Bureau of Indian Affairs, and all of the programs that are important to the trust responsibilities and the fiduciary obligations the U.S. Government has to tribes. We do indeed have obligations to tribes through treaties and through other approaches, trust responsibilities. This Congress, and previous Congresses, and future Congresses, have obligations to tribal governments that we must meet. Those obligations are important.

As I said, it has been 2 full years since we have had a person in the position of the Assistant Secretary for Indian Affairs in the Interior Department. For 2 years it has been vacant, which is unbelievable to me.

We have a man who has been nominated now named Carl Artman, who is a member of the United Tribe of Wisconsin. Mr. Artman is a very capable, distinguished person. I met with him a couple times. President Bush sent his nomination down to the Congress last year. Apparently, a hold was put on his

nomination and it did not move. The President re-sent the nomination recently. I chaired the hearing, and we moved his nomination out of the Indian Affairs Committee and now it is before the full Senate.

My understanding is it has not moved because there has been a hold put on it once again. I spoke to the Secretary of the Interior today again about that subject, and my hope is—I indicated to him, and I think his hope is—this week we can find a way to resolve these issues and get Mr. Carl Artman confirmed by the Senate for the position of Assistant Secretary for Indian Affairs. It is a very important position.

We have a full-blown crisis in health care, housing, and education on Indian reservations. I have been doing listening sessions with Indian tribes. With respect to education, as an example, they tell about a young schoolkid who is living in a house, a 3-bedroom home with 23 people. That describes the housing conditions on some of the reservations.

But what about a young kid who is living in a 3-bedroom home with 23 other people? What kind of homework do you think gets done there? What kind of opportunity is it for that young child to quietly be able to open a book and to learn a lesson?

We have a crisis in housing. I have described it many times on the floor of the Senate. We have a crisis in health care. It is almost unbelievable to me, but we had a hearing recently in which a doctor described a woman who had a very serious knee injury who required surgery. She went to the doctor on the Indian reservation and was told: Wrap it in cabbage leaves for 3 or 4 days. That is right: Wrap it in cabbage leaves for 3 or 4 days. It needed to be operated on. It was a torn ligament. "Wrap it in cabbage leaves"—that is health care? Not where I come from.

Or a man who had a bad arm, a bad shoulder, a torn ligament, and for 4 years he could not get it fixed on the Indian reservation because it was not "life or limb"—4 years. This was a rancher. What do you think a one-armed rancher is able to do on a ranch? Haul hay? I do not think so.

I told the story on the floor about the woman who was having a heart attack—an Indian woman—and was transported by ambulance to a hospital. She was hauled into the hospital on a gurney—having a heart attack—and they discovered there was a piece of paper taped to her thigh. What the paper said was: You should understand, hospital administrators, this person is not covered under the Indian Contract Health Services. We are out of money. So, therefore, if you admit this person, you are on your own.

Imagine that: a woman having a heart attack, brought in on a gurney to a hospital with a piece of paper taped to her thigh that says: Beware. We won't pay for this treatment. That is unbelievable.

We have a lot of problems we need to address in these areas dealing with Indian tribes and the first Americans. I understand the Indian Health Service is attached to Health and Human Services. But I also understand the issues of housing, education, and all of the other related issues belong to the Interior Department. That position in the Interior Department responsible for these issues has been vacant for 2 full years, and I believe it is shameful. I hope this Senate, this week, can resolve this issue and get it done. I am going to push to see if we can't get that confirmation done this week.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 684 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DORGAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 110TH CONGRESS

Mr. REID. Mr. President, when we began the 110th Congress, I said:

The American people want change, and it is up to us—Democrats and Republicans—to deliver that change.

Two months later, the Senate has delivered. Democrats, Republicans, we have moved America in a new direction. As our first order of business, we changed the way Washington works literally, passing the toughest lobbying and ethics reform legislation in our Nation's history.

Next, we ended the national disgrace of the \$5.15 minimum wage and gave America's poorest workers a raise for the first time in 10 years.

After the minimum wage, we passed an important continuing resolution to keep our Government fully funded and running. This Congress, the 110th Congress, inherited a fiscal mess, but by setting tough spending limits, eliminating earmarks, and working together, we have begun to put our country's fiscal house in order. It was done with the support of the Republicans. We could not have done the continuing resolution as we did; that is, settling the country's financial problems, but for the support of Republicans. We could have done it, but it would have been a real knockdown, drag-out battle. We didn't have to have that. So as I have said a number of times, I commend the Republicans for working with us.

Finally, before recess, we held an important Iraq vote where a bipartisan majority of the U.S. Senate expressed its opposition to the President's plan to escalate the war in Iraq. That de-

bate and that vote were just the start. The Senate, sometime in the future, will continue to work its will on the issue until there is a change of course in Iraq.

In the last election, we promised that the days of the do-nothing Congress were over, and it is a promise we have kept. But I have to say, we were unable to keep it on our own. We needed the support of the Republicans, and we got that.

At this time in the 109th Congress, the Senate had passed one piece of legislation and some nominations. This year, the Senate passed three significant legislative items—ethics, minimum wage, and the continuing resolution—and a number of judges, including a circuit court judge.

On every one of these items, we have had the support of the minority, the Republicans. This year, the Senate has ended 4 years of congressional silence on Iraq. Senate committees have held almost 40 Iraq hearings, where we asked questions and held the administration accountable for its policies. In the last Congress, you could count meaningful Iraq hearings on one hand. In the first 6 weeks of this year, the Senate has had 52 rollcall votes. By comparison, the 109th Congress during the same time period had 11 rollcall votes. It is a good start, but there is so much more to do, which is why this week the Senate will set its sights on extremely important work—keeping our country and our families safe by implementing the recommendations of the 9/11 Commission.

Following the terrible attacks of September 11, 2001, our country turned to a respected group of Democrats and Republicans, the 9/11 Commission, to review the lessons of that tragic day and to find a better way to fight the war on terror. Under difficult circumstances, including a lack of cooperation from the White House, the Commission did a fine job and, in July 2004, made a number of recommendations to Congress and the administration about how best to secure the homeland from al-Qaida and other terrorist groups. Their ideas included improving security at our ports, on our rails, and in cargo holds, giving our first responders the tools they need to communicate with each other during the crisis—something the Presiding Officer has talked about many times in the Senate floor—and streamlining our intelligence community to help it better prevent another attack. These were commonsense solutions designed to keep America safe. Unfortunately, 2½ years later, too many have been ignored and too many of our communities remain dangerously unprepared to prevent or respond to another terrorist attack.

We all feel so fortunate that we have not suffered another terrible incident like that of 9/11. In the last Congress, Democrats tried to move forward with tough and smart solutions to keep the homeland safe. Unfortunately, those of

us who tried to follow the Commission's roadmap hit nothing but speed bumps. In 2005, we tried to increase funding for first responders by \$1.6 billion. Our effort was rejected on a party-line vote. Days later, we tried to restore \$1 billion to the COPS Program, so important for law enforcement throughout the country. We were rejected again along party lines. In July 2005, just days after the subway bombings in London, the Senate considered legislation that would have improved security on rails. Again, with a party-line vote, we went down. That same day, the Senate voted on legislation to allocate money to secure our ports. The measure fell along party lines. The end result of this obstruction: America today is not as safe as it can be, should be, or must be.

For 6 years, this White House and past Congresses have talked a good game about protecting America, but while they were distracted and consumed with staying the course in Iraq, they failed to heed the lessons of September 11, 2001—that we must do more to protect and secure our communities from the real terrorist threat here at home.

The suggestions I have made today are not something I came up with. They are not Democratic proposals but were led by two patriotic Americans, Governor Kean, a Republican Governor of New Jersey, and Congressman Lee Hamilton, Democratic Congressman from Indiana, the leaders of the Commission. Last year, the 9/11 Commission released a report, grading Congress and the President on the job they had done in securing the homeland. It was a report card any child would be embarrassed to take home to their parents. It included 12 Ds, 5 Fs, and two incompletes: requiring proper screening of airline passengers, F; allocating homeland security funds based on risk, F; sharing information with State and locals, a little better but a D.

Turning these and other failing grades into passing grades is what the Senate will focus on on a bipartisan basis this week. We will work together. We will take steps to protect America from the greatest threat we face—nuclear terrorism. We will enhance the security of our transportation system and our ports. We will provide America's first responders with the technology they need to communicate with each other during a crisis. In the process, we will make America more secure. Five and a half years after 9/11, we don't have a day to waste.

I end where I started. We have had a good year. We have done tremendous work, such as our efforts on lobbying reform. We have done good work on the minimum wage. We have done good work on getting the financial house of this country in order. It has been done on a bipartisan basis. I look forward to this next week and the following week to make sure that the 9/11 Commission recommendations are implemented.

When we get to this bill—and I have said this publicly when we were on the